THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18660 of 2007

Date:06-09-2007

Between:

Smt.E.Komalavalli

.. PETITIONER

AND

The District Judge, Chittoor

.. RESPONDENT

ORDER:

The petitioner seeks a writ of mandamus to declare the notice, dated 13.08.2007 issued by the respondent, as illegal and arbitrary.

It is the case of the petitioner that the lowest quotation of the petitioner to take Xerox copies of foolscap size at 0.50 paise per page was accepted subject to the approval of this Court for installation of the Xerox machine in the compound of District Court, Chittoor at the place shown by the Court at the cost of the petitioner and she should do the office administration work at free of cost under the supervision of Sheristedar of District Court or any other staff, that she should not undertake any work of outsiders and the permission granted was purely temporary and would be terminated without any prior notice.

It is stated that pursuant to the said order, dated 11.03.1997, the petitioner has been carrying on business fulfilling the said conditions of the order. Thereafter, the said place of Xerox machine was also shifted to the Judicial Employees Association room. Subsequently, the petitioner was asked to pay the rent @ Rs.375/- per month.

It is stated that the High Court has issued a Circular in Roc.No.499/06-D2(B), dated 18.06.2007 for removal of the shops or stalls inside the Court premises wherever in the State in view of the fact that there is shortage of space and by explosion of litigation and increase in number of lawyers and litigants, the space is required by the Courts for their own use and accordingly, the licensees were removed and wherever the licenses were in force, such licensees be continued till the period of license is over and no further allotment shall be made and no licenses shall be renewed.

Pursuant to the said circular of this Court, the District Judge, Chittoor has issued a notice, dated 13.08.2007 directing the petitioner who is running Xerox centre, stamp vending and telephone booth

local/STD in the District Court Complex, Chittoor to vacate the premises by the end of August, 2007.

Aggrieved by the said notice, this writ petition has been filed by the petitioner stating that even as per the circular of the High Court that there should not be any shops or stalls but not the Xerox machine or telephone booth of the petitioner.

I am of the opinion that as per the circular of the High Court that there shall not be any shops or stalls inside the Court premises anywhere in the State and they were directed to be removed immediately.

Admittedly, the petitioner does not have any license. As per the said circular, wherever the licenses are in force, such licensees shall be continued till the period of license is over. Therefore, I am of the opinion that the petitioner is not entitled to continue to carry on the business in the District Court premises contrary to the circular of this Court.

However, having regard to the facts and circumstances of the case, the petitioner is granted time to vacate and hand over the vacant possession of the said premises to the respondent by the end of October, 2007.

Accordingly, the writ petition is disposed of. No costs.

V.ESWARAIAH, J.

Date:06.09.2007.
ccm